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July 21, 2020

VIA ECF

Honorable Mary Kay Vyskocil
United States District Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

USDC SDNY
DOCUMENT
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DATE FILED: 3/12/2021

Re: *Tucker v. Hollister Co.*,
Case No.: 19-cv-10033-MKV

Dear Judge Vyskocil,

The undersigned represents Henry Tucker, on behalf of himself and all other persons similarly situated (“Plaintiff”) in the above-referenced action against Hollister Co., (“Defendant”). The undersigned respectfully requests a stay in this action pending resolution of the Consolidated Appeal captioned: *Mendez v. AnnTaylor, Inc.*, No. 20-1550 (the “Consolidated Appeal”), currently pending before the Second Circuit. The Defendant joins in this stay request and the Court should stay this matter pending the outcome of the Consolidated Appeal to preserve judicial resources.

A stay has the potential to substantially conserve the resources of both the parties and the Court. Similar stays were granted by courts in this District on the same grounds. *See Calcano v. lululemon USA Inc.*, No. 1:19-cv-10430 (S.D.N.Y. Mar. 2, 2020); *Delacruz v. Five Below, Inc.*, No. 1:19-cv-10294 (S.D.N.Y. Feb. 28, 2020); *Delacruz v. Jamba Juice Co.*, No. 1:19-cv-10321 (S.D.N.Y. Feb. 27, 2020); *Calcano v. Domino’s Pizza, Inc.*, No. 1:19-cv-09823 (S.D.N.Y. Feb. 24, 2020) *Tucker v. Whole Foods Market Group, Inc.*, Case No.: 19-cv-09842-RA. (S.D.N.Y. Jul. 1, 2020). There are no deadlines impacted by the proposed stay however, both Parties agree that the Pending Motion to Dismiss filed on April 20, 2020 (Dkt. 24) should be administratively

dismissed without prejudice, and with the Defendant reserving the ability to refile its Motion after the stay is lifted.

We thank the Court for its time and attention in this matter.

Respectfully submitted,

cc: all counsel of record VIA ECF

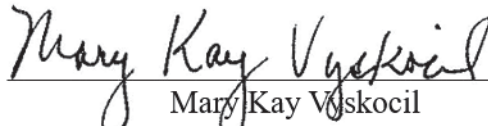
/s/ Jeffrey M. Gottlieb, Esq.

Jeffrey M. Gottlieb, Esq.

Attorney for Plaintiffs

GRANTED. This action is stayed pending the resolution of the appeals in similar cases, consolidated under the Case Number 20-1552, at the Second Circuit. The pending motion to dismiss [ECF No. 20] is administratively terminated. The Clerk of Court respectfully is requested to terminate the motion and stay this action on ECF. SO ORDERED.

Date: 3/12/2021
New York, New York


Mary Kay Vyskocil
United States District Judge